



MEMORANDUM

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GOE

Agenda Item No. 6 (A)

TO: Honorable Chairperson Natacha Seijas
and Members of the Governmental
Operations and Environment Committee

DATE: **December 7, 2004**

FROM: *Kay M. Sullivan*
Kay M. Sullivan, Director
Clerk of the Board

SUBJECT: Approval of Commission
Ccommittee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Governmental Operations and Environment Committee:

November 9, 2004

Attachment
KMS/jm



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes Governmental Operations and Environment Committee

Natacha Seijas (13), Chairperson; Jose "Pepe" Diaz (12), Vice Chairperson;
Commissioners Dorrin D. Rolle (2), Joe A. Martinez (11), Rebeca Sosa (6); and Javier
D. Souto (10)

Tuesday, November 9, 2004

9:30 AM

COMMISSION CHAMBERS

Members Present: Jose "Pepe" Diaz, Joe A. Martinez, Dorrin D. Rolle, Natacha Seijas,
Rebeca Sosa, Sen. Javier D. Souto.

Members Absent: None.

Members Late: None.

Members Excused: None.

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

1D CHAIRPERSON

1D1

042990 Report

REMARKS FROM CHAIRPERSON SEIJAS

Presented

Report: *1. Chairperson Seijas and the Committee members expressed appreciation to County Manager George Burgess and the following members of the County Administration on the successful operation of the 2004 General Elections and the General Obligation Bond:*

- * Assistant County Manager Alina Tejeda Hudak*
- * Supervisor of Elections Constance Kaplan*
- * Mr. Seth Kaplan, Public Affairs Officer, Elections Department*
- * Mr. Lester Soler, Deputy Supervisor of Elections*
- * Mr. Bernard McGriff, Director, General Services Administration*
- * Dr. Larry Capp, Executive Director, Office of Community Relations Board (CRB)*
- * CRB Goodwill Ambassadors*
- * Miami-Dade Library staff*
- * Members of the Canvassing Board*

Chairperson Seijas suggested that the Goodwill Ambassadors receive special recognition for their service, and she thanked Miami-Dade voters for casting their votes.

Commissioner Sosa asked that County Manager Burgess notify Miami-Dade County residents, through a newspaper publication, of the County's successful efforts in the 2004 General Elections and that every vote was counted.

Commissioner Martinez asked that County Manager Burgess provide him with the cost of the 2004 General Elections.

County Manager Burgess thanked the Committee members for their comments. In addition to the staff members mentioned by the Committee, he also thanked the following staff:

- * Mr. Ruben Lopez, Director, Enterprise Technology Services Department and staff*
- * Ms. Becky Glover, Answer Center Division Director, Team Metro*
- * Ms. Cathy Jackson, Director, Audit and Management Services*
- * Ms. Miriam Singer, Acting Director, Department of Procurement Management*
- * Mr. Ray Santiago, Director, Miami-Dade*

Library

2. Chairperson Seijas asked that County Manager Burgess prioritize the opening of a new mental health facility.

3. Mr. Alfonso Perez, Law Firm of Rasco Reining Perez and Esquenzai, 283 Catalonia Avenue, appeared before the Committee on behalf of the American Federation of State and Civil Municipal Employees (AFSCME). He introduced Mr. Leon Fuller, representing his clients and Ms. Cathy Aguirre, representing Vista health plan. Mr. Perez referred to a recent article in the Miami Herald's Business Monday section regarding uninsured children in Miami Dade County. He noted dependent children in Miami Dade County totaled twice the national average of children without insurance, many of whom were children of Miami-Dade County employees. Mr. Perez asked that Miami-Dade County allow a local company such as Vista, to propose a plan that would save County employees substantial out-of-pocket expenses.

Chairperson Seijas asked that Mr. Perez meet with Assistant County Manager Pete Hernandez regarding the proposal for uninsured children of Miami-Dade County employees. She asked that a resolution requesting the County Manager to determine the feasibility of implementing a proposal to provide insurance for children of Miami-Dade County employees be prepared under her sponsorship.

In response to Commissioner Diaz' inquiry regarding the Children's Trust, Chairperson Seijas stated the Trust had been diligent but slow in addressing certain needs. She noted as the County Commission's representative to the Trust, she would provide the members of the Commission with a report regarding the Trust.

2 DEPARTMENTS

2A

042916 Resolution

RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN ENVIRONMENTALLY ENDANGERED LANDS COVENANT, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Rolle
Seconder: Diaz
Vote: 6-0

Report: *Mr. John Renfrow, Director, Department of Environmental Resources Management, responded to questions from Chairperson Seijas and Commissioner Sosa regarding the identification of properties that qualified for beneficial Ad valorem tax classification, and the consequences of not complying with the provisions of the covenant.*

Mr. Renfrow noted letters would be sent to property owners of Natural Forest Community (NFC) advising them of the tax benefits.

2B

042917 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF COVENANT RUNNING WITH THE LAND OF BENLAR CORPORATION, IN FAVOR OF THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; CONCERNING THE PROTECTION OF TWO PINE ROCKLAND PRESERVES IN A DEVELOPED RESIDENTIAL COMMUNITY LOCATED AT THE SOUTHWEST CORNER OF SOUTHWEST 280 STREET AND C-103-N CANAL RIGHT-OF-WAY, SECTION 3, TOWNSHIP 57 SOUTH, RANGE 39 EAST, PREVIOUSLY RECORDED IN PLAT BOOK 12549, AT PAGE 946 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Martinez
Vote: 6-0

Report: *There being no discussion, the Committee by motion duly made, seconded and carried, forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation.*

2C

042918 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES FISH AND WILDLIFE SERVICES TO SUPPORT PLANT INVENTORIES ON EEL SITES IN MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Sosa
Vote: 6-0

Report: *There being no discussion, the Committee by motion duly made, seconded and carried, forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation.*

2D

043027 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING FOR THE 2005 BISCAYNE BAY CLEANUP DAY EVENT (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 6-0

Report: *Commissioner Sosa commended the Department of Environmental Resources Management for the Biscayne Bay Cleanup Day Event.*

2E

043031 Resolution

RESOLUTION APPROVING THE SUBMITTAL OF A TEN-YEAR BEACH EROSION CONTROL CAPITAL PLAN FOR MIAMI-DADE COUNTY TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND AUTHORIZING THE REQUEST OF GRANT FUNDS FOR BEACH EROSION CONTROL ACTIVITIES (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Martinez
Vote: 6-0

Report: *Mr. John Renfrow, Director, Department of Environmental Resources Management, and Assistant County Manager Pete Hernandez responded to Commissioner Sosa's inquiry regarding the matching funds for beach erosion control activities. Mr. Hernandez noted the beach erosion control capital plan was considered to be a regional benefit and the matching funds would be coming from the countywide fund.*

Commissioner Sosa noted this was an example of Miami-Dade County assisting municipalities.

2F

043033 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE ARMY CORPS OF ENGINEERS AND MIAMI-DADE COUNTY FOR CONSTRUCTION OF THE SECTION 227 SHORELINE EROSION CONTROL DEMONSTRATION PROJECT (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Martinez
Vote: 6-0

Report: *Mr. John Renfrow, Director, Department of Environmental Resources Management, responded to Commissioner Sosa's inquiry regarding potential liability associated with the monitoring of the erosion control demonstration project.*

2G

042919 Resolution

RESOLUTION ACCEPTING THE SOUTH DADE GOVERNMENT CENTER (SDGC) COORDINATED DEVELOPMENT REPORT, INCLUDING ITS PUBLIC AREAS STANDARDS AND GUIDELINES FOR UNIFORM DEVELOPMENT, AND DIRECTING COUNTY STAFF TO SEEK IMPLEMENTATION OF THE REPORT'S RECOMMENDATIONS (Department of Planning & Zoning)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 6-0

Report: *There being no discussion, the Committee by motion duly made, seconded and carried, forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation.*

2H

043061 Resolution

RESOLUTION APPROVING AMENDMENTS TO ADMINISTRATIVE ORDER 4-111: FEE SCHEDULE FOR DEPARTMENT OF PLANNING AND ZONING [SEE AGENDA ITEM NO. 2M] (Department of Planning & Zoning)

Amended

Report: *(See Agenda Item 2H Amended, Legislative File Number 043194)*

2H Amended

043194 Resolution

RESOLUTION APPROVING AMENDMENTS TO ADMINISTRATIVE ORDER 4-111: FEE SCHEDULE FOR DEPARTMENT OF PLANNING AND ZONING (SEE ORIGINAL ITEM UNDER FILE NO. 043061) (Department of Planning & Zoning)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Diaz

Seconder: Sosa

Vote: 6-0

Report: *In response to Commissioner Martinez' comment regarding notification of issuance of a rock mining certificate, Ms. Diane O'Quinn Williams, Director, Department of Planning and Zoning, stated a pre-notice would be published of the intent to issue a permit at which time members of the public could speak with her. She noted the final notice for issuance of the permit was appealable within 30 days.*

Ms. O'Quinn Williams requested that the language on typed page 18, (CO43), of the proposed fee schedule be amended as follows: "The exact amount of each and every administrative lake and landfill plan review fee inside the ROZA is established by the addition of a fee equivalent to the cost of each advertisement in a newspaper of general circulation with over 100,000 subscribers as required pursuant to the Article regarding ROZA of the Code of Miami-Dade County."

Members of the Committee requested that in addition to the Miami Herald, notice be advertised in the Diario las Americas, El Nuevo Herald, the Miami Times and a Creole publication.

The Committee amended the foregoing proposed resolution to include the language proposed by the Planning and Zoning Director and to provide that the notice be advertised in no less than five publications.

2I

042939 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ADVERTISE A REQUEST FOR PROPOSALS FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN AN AIRCRAFT HULL AND LIABILITY INSURANCE PROGRAM, TO EXERCISE ANY CANCELLATION AND RE-ADVERTISEMENT PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN RFP NO. 446 (Procurement Management Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Souto

Vote: 6-0

Report: *There being no discussion, the Committee by motion duly made, seconded and carried, forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation.*

2J

042920 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LOCAL AGENCY PROGRAM (LAP) AGREEMENT NO. 250-136-1 WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR \$700,000 IN FEDERAL FUNDS PROVIDED BY FDOT FOR THE MANAGEMENT AND CONSTRUCTION OF TRANSPORTATION ENHANCEMENTS ALONG SUNSET DRIVE (S.W. 72 STREET/SR 986) FROM THE PALMETTO EXPRESSWAY (SR 826) TO THE HOMESTEAD EXTENSION OF FLORIDA'S TURNPIKE (HEFT); AND AUTHORIZING THE COUNTY MANAGER TO RECEIVE AND EXPEND FUNDS AS SPECIFIED IN THE LAP AGREEMENT (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Souto

Vote: 6-0

Report: *Mr. Ari Rivera, Director, Public Works Department, and Assistant County Manager Pete Hernandez responded to Commissioner Rolle's inquiry regarding the length of time it took to implement this Federally funded project.*

In response to Commissioner Rolle's inquiry as to whether Miami-Dade County could advance funds to address projects in District 2 and subsequently be reimbursed by the Federal Department of Transportation (FDOT) for these funds, Assistant County Manager Hernandez noted this was one of the avenues that could be pursued.

2K

042921 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF A MIAMI-DADE COUNTY DISCLAIMER OF A PORTION OF THAT CERTAIN ALLEY LOCATED BETWEEN SW 99 AND 100 AVENUES AND BETWEEN CORAL WAY AND SW 23 STREET IN SECTION 8, TOWNSHIP 54 SOUTH, RANGE 40 EAST, IN MIAMI-DADE COUNTY (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Souto

Vote: 6-0

Report: *There being no discussion, the Committee by motion duly made, seconded and carried, forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation.*

2L

042922 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A TRI-PARTY PRE-EMPTION AGREEMENT AMONG MIAMI-DADE COUNTY, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, AND FLORIDA EAST COAST RAILWAY, LLC FOR THE SYNCHRONIZATION OF RAILROAD CROSSING DEVICES AND TRAFFIC SIGNALS AT NE 36 STREET AND NE SECOND AVENUE (Public Works Department)

*Deferred to no date certain**Mover: Sosa**Seconder: Diaz**Vote: 6-0*

Report: *Commissioner Sosa asked that Assistant County Manager Pete Hernandez provide the Committee with a report addressing the maintenance of the railroad tracks.*

Commissioner Martinez noted the railroad was governed by state statutes.

Chairperson Seijas expressed concern regarding the language in the proposed Railroad Reimbursement Agreement, which indicated that the Florida East Coast (FEC) Railway would not be liable for any loss of life or injury to persons, or loss of or damage to property, growing out of or arising from the irregular operation of the highway devices of the department and/or the company's railroad devices.

Assistant County Attorney Thomas Goldstein advised that the FEC would not be liable for malfunctioned railway devices resulting from devices implemented for the proposed synchronization.

Chairperson Seijas suggested the foregoing proposed resolution be deferred to allow the County Attorney's Office to provide additional clarification on liability concerns.

In response to Commissioner Sosa's concern that the FEC was shifting the liability issue to the County, Assistant County Manager Pete Hernandez noted the language could be clarified to reflect that no liability pertained to damages resulting from malfunctioning County devices.

2M

043105 Resolution

RESOLUTION APPROVING ADMINISTRATIVE ORDER 10-12: ZONING PROCEDURES FOR ADVERTISEMENT OF ISSUANCE OF ROCKMINING CERTIFICATE OF USE AND RIGHTS TO APPEAL [SEE AGENDA ITEM NO. 2H] (Department of Planning & Zoning)

Amended

Report: *(See Agenda Item 2M Amended, Legislative File Number 043195)*

2M Amended

043195 Resolution

RESOLUTION APPROVING ADMINISTRATIVE ORDER 10-12: ZONING PROCEDURES FOR ADVERTISEMENT OF ISSUANCE OF ROCKMINING CERTIFICATE OF USE AND RIGHTS TO APPEAL (SEE ORIGINAL ITEM UNDER FILE NO. 043105) (Department of Planning & Zoning)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Diaz

Seconder: Sosa

Vote: 6-0

Report: *Ms. Diane O'Quinn Williams, Director, Department of Planning and Zoning, requested that the language on typed page 18, (CO43), of the proposed fee schedule be amended as follows: "The exact amount of each and every administrative lake and landfill plan review fee inside the ROZA is established by the addition of a fee equivalent to the cost of each advertisement in a newspaper of general circulation with over 100,000 subscribers as required pursuant to the Article regarding ROZA of the Code of Miami-Dade County."*

Members of the Committee requested that in addition to the Miami Herald, notice be advertised in the Diario las Americas, El Nuevo Herald, the Miami Times and a Creole publication.

The Committee amended the foregoing proposed resolution to include the language proposed by the Planning and Zoning Director and to provide that the notice be advertised in no less than five publications.

2N

043052 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE A NEGOTIATED CONTRACT WITH HORSEPOWER ELECTRIC, INC. CONSISTENT WITH THE TERMS OF THE PROPOSAL; WAIVING THE REQUIREMENTS OF SECTION 2-8.1 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE BY TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Seijas
Vote: 6-0

Report: *Discussion ensued among the Committee members and Mr. Ari Rivera, Director, Public Works Department, regarding the contract with Horsepower Electric, Inc. for the Safe-Lite Program.*

Commissioner Sosa asked that Mr. Rivera provide her with the map of Miami-Dade County indicating the percentages of flooding. She also asked that Mr. Rivera provide her with a report on the protocol for distribution of the Safe-Lite system before the proposed resolution was presented to the County Commission for final approval.

Chairperson Seijas stated implementation of the Safe-Lite Program should be across-the-board and the criteria well-defined. She asked that Mr. Rivera meet with each member of the County Commission regarding the Safe-Lite Program and each commission district's needs.

Assistant County Manager Pete Hernandez stated staff would work with each commissioner regarding the locations for the Safe-Lite Program.

20

043079 Resolution

RESOLUTION APPROVING REDEVELOPMENT OF CRANDON BOULEVARD WITHIN THE VILLAGE OF KEY BISCAVNE, SUBSTANTIALLY IN ACCORDANCE WITH THE CRANDON BOULEVARD MASTER PLAN APPROVED FEBRUARY 24, 2004 BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAVNE (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Seijas
Vote: 6-0

Report: *There being no discussion, the Committee by motion duly made, seconded and carried, forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation.*

2P

042923 Resolution

RESOLUTION ACCEPTING CONVEYANCES OF VARIOUS PROPERTY INTERESTS FOR ROAD PURPOSES TO MIAMI-DADE COUNTY, FLORIDA (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Seijas
Vote: 6-0

Report: *There being no discussion, the Committee by motion duly made, seconded and carried, forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation.*

2Q

043110 Resolution

RESOLUTION APPROVING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH FOR THE PROVISION OF WATER AND SEWER SERVICES IN THE ANNEXATION AREA (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Diaz
Vote: 5-0
Absent: Souto

Report: *There being no discussion, the Committee by motion duly made, seconded and carried, forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation.*

2R

041731 Ordinance

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT PROVIDING FOR THE NARANJA COMMUNITY URBAN CENTER ZONING DISTRICT; CREATING SECTIONS 33-284.66 THROUGH 33-284.76 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-311, 33-313 AND 33-314 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 040827] (Department of Planning & Zoning)

Withdrawn

Report: (See Agenda Item 2R Alternate, Legislative File Number 043108)

2R SUB

042794 Ordinance

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE NARANJA COMMUNITY URBAN CENTER ZONING DISTRICT; CREATING SECTIONS 33-284.66 THROUGH 33-284.76 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-311, 33-313 AND 33-314 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 040827, 041731] (Department of Planning & Zoning)

Withdrawn

Report: (See Agenda Item 2R Alternate, Legislative File Number 043108)

2R ALT

043108 Ordinance**Katy Sorenson**

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE NARANJA COMMUNITY URBAN CENTER ZONING DISTRICT; CREATING SECTIONS 33-284.66 THROUGH 33-284.76 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-311, 33-313 AND 33-314 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 040827, 041731, 042794]

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Seijas

Vote: 6-0

Report: *Chairperson Seijas announced that the foregoing proposed ordinance was open for public participation, and there being no persons to appear before the Committee, the public hearing was closed.*

Ms. Diane O'Quinn Williams, Director, Department of Planning and Zoning, responded to questions from Commissioners Sosa and Martinez regarding the fiscal impact and the location of the Urban Development Boundary line, as it related to the foregoing proposed ordinance.

3 COUNTY COMMISSION

3A

042762 Ordinance**Dennis C. Moss,****Natacha Seijas**

ORDINANCE PERTAINING TO ZONING REGULATION OF WIRELESS SUPPORTED FACILITIES; AMENDING SECTIONS 33-311(A)(3) AND 33-311(A)(18) OF THE CODE OF MIAMI-DADE COUNTY REGARDING STANDARDS BY WHICH WIRELESS SUPPORTED SERVICE FACILITIES, INCLUDING ANTENNAS, ARE PERMITTED AFTER PUBLIC HEARING IN CERTAIN ZONING DISTRICTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Martinez

Vote: 6-0

Report: *Chairperson Seijas announced that the foregoing proposed ordinance was open for public participation, and there being no persons to appear before the Committee, the public hearing was closed.*

Chairperson Seijas requested that she be listed as a co-sponsor on the foregoing proposed ordinance.

3B

040270 Ordinance**Katy Sorenson**

ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE USE OF SPECIAL TAXING DISTRICTS TO PROVIDE SIDEWALK IMPROVEMENTS OR STREET LIGHTING SERVICES IN AREAS DESIGNATED AS AGRICULTURAL ON THE COUNTY'S COMPREHENSIVE LAND USE PLAN; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Withdrawn

Report: *(See Agenda Item 3B Substitute, Legislative File Number 042907)*

3B SUB

042907 Ordinance**Katy Sorenson**

ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; LIMITING REQUIREMENT OF THE USE OF A SPECIAL TAXING DISTRICT TO PROVIDE STREET LIGHTING SERVICES TO AREAS WITHIN THE COUNTY'S URBAN DEVELOPMENT BOUNDARY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 040270]

Tabled
Mover: Diaz
Seconder: Souto
Vote: 6-0

Report: *Assistant County Manager Pete Hernandez noted the foregoing proposed ordinance eliminated the existing plat requirement relating to the establishment of a special taxing district to provide street lighting for those plats outside the Urban Development Boundary (UDB).*

Following comments from the Committee members in opposition to the proposed ordinance, it was moved by Commissioner Diaz that the foregoing proposed ordinance be denied. This motion was seconded by Commissioner Souto, and upon being put to a vote, passed by a vote of 6-0.

3C

042644 Ordinance**Katy Sorenson**

ORDINANCE CREATING AND ESTABLISHING THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT ("EFBD" OR "HOMESTEAD EFBD"), UPON APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND THE CITY OF HOMESTEAD; PROVIDING FOR HOMESTEAD EFBD NAME, DESCRIPTION, BOUNDARIES, POWERS AND DUTIES; PROVIDING FOR EXERCISE OF CERTAIN EFBD POWERS, INCLUDING FINANCING AND NON-AD VALOREM ASSESSMENT POWERS, UPON EXECUTION OF INTERLOCAL AGREEMENT BY EFBD; PROVIDING FOR EFBD BOARD OF SUPERVISORS; PROVIDING QUALIFICATIONS, TERMS OF OFFICE, QUORUM AND ELECTIONS FOR BOARD OF SUPERVISORS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE [SEE FILE NO. 042808]

Withdrawn

Report: *(See Agenda Item 3C Substitute, Legislative File Number 043141)*

3C SUB

043141 Ordinance**Katy Sorenson**

ORDINANCE CREATING AND ESTABLISHING THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT ("EFBD" OR "HOMESTEAD EFBD"), UPON APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND THE CITY OF HOMESTEAD; PROVIDING FOR HOMESTEAD EFBD NAME, DESCRIPTION, BOUNDARIES, POWERS AND DUTIES; PROVIDING FOR EXERCISE OF CERTAIN EFBD POWERS, INCLUDING FINANCING AND NON-AD VALOREM ASSESSMENT POWERS, UPON EXECUTION OF INTERLOCAL AGREEMENT BY EFBD; PROVIDING DESCRIPTION AND BOUNDARIES; AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT; PROVIDING INITIAL MEMBERS OF FOR EFBD BOARD OF SUPERVISORS; PROVIDING QUALIFICATIONS, TERMS OF OFFICE, QUORUM AND ELECTIONS FOR BOARD OF SUPERVISORS; PROVIDING FOR FINANCING AND NON AD-VALOREM ASSESSMENTS; PROVIDING FOR ANNUAL AUDIT AND MONTHLY ACCOUNTING BY EFBD; PROVIDING FOR PROPER DISCLOSURE ON PROVIDING FOR DISCLOSURE NOTICE OF EFBD IN REAL ESTATE SALES CONTRACTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 042644] [SEE AGENDA ITEM NO. 042808]

Public Hearing deferred to the Governmental Operations and Environment Committee due back December 7, 2004

Mover: Diaz

Seconder: Seijas

Vote: 5-0

Absent: Sosa

Report: *Chairperson Seijas announced that the foregoing proposed ordinance was open for public participation.*

Mr. Juan Mayol and Mr. Alan Krischer, attorneys representing M&H Homestead Ltd., appeared before the Committee in support of the foregoing proposed ordinance. Mr. Mayol stated the proposed Homestead Educational Facilities Benefit District (EFBD) would finance the construction of three school facilities which would be built on sites donated by property owners and each EFBD would house approximately 2,100 students in Grades K through 8. He corrected page 6 of the proposed Interlocal Agreement between Miami-Dade County, the School Board and the Homestead Educational Facilities Benefit District, to reflect that each EFBD would have up to 2,100 student stations, instead of at least 2,100 student stations. Mr. Mayol noted the first school facility would be financed entirely with school district funds, the second and third facilities would be financed through a combination of impact fees

Governmental Operations and Environment Committee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, November 09, 2004

to be generated within the development area, and assessments on the property that would benefit from the EFBD. He stated there was a requirement for full disclosure by the EFBD of the proposed assessment which would be capped at \$185.00 annually, plus a two percent inflation adjustment annually.

Vice-Mayor Linda Bell, City of Homestead, appeared before the Committee in support of the proposed ordinance. She noted this was the best avenue to provide schools for the residents of the City of Homestead.

Mr. Angel Lazo, 1400 SE 23 Drive, appeared before the Committee in opposition to the proposed ordinance. He stated the proposed EFBD was disproportionate, unfair and should be addressed by the Miami-Dade School Board.

Mr. Mayol reappeared before the Committee and responded to Mr. Lazo's comments.

Discussion ensued between the Committee members and Mr. Mayol regarding the proposed ordinance. Chairperson Seijas and Commissioner Martinez spoke in opposition to the ordinance and Commissioner Martinez requested that Mr. Mayol provide him with a copy of the notices to be provided to potential homeowners regarding the proposed EFBD and the amount of the assessment to be levied against the property.

Mr. Mayol stated disclosure of the EFBD would be made prior to the purchase of property, during the contract stage. He asked that the Committee forward the proposed ordinance to the County Commission for further debate.

In response to Commissioner Rolle's inquiry, Vice-Mayor Bell emphasized the need for schools in the City of Homestead and noted the proposed EFBD would address this need.

There being no other persons to appear before the Committee, the public hearing was closed.

Commissioner Rolle asked that Assistant County Attorney Joni Armstrong-Coffey review the feasibility of the Homestead Educational Facilities Benefit District being placed as a referendum before the voters of Homestead.

It was moved by Commissioner Diaz that the

proposed ordinance be forwarded to the County Commission without a recommendation. This motion was seconded by Commissioner Rolle.

Commissioner Martinez stated a unanimous vote of approval was required on the foregoing motion.

Mr. Michael Ladoner, General Partner, M&H Homestead, Keys Gate, responded to Commissioner Martinez' inquiry regarding the total assessment over a 30-year period being added to the cost of the homes and donated to the School Board's interest bearing account.

Commissioner Rolle stated the proposed ordinance provided full disclosure and he felt the residents who were in support of the proposed EFBD should be given an opportunity to vote on it.

The Committee voted on the foregoing motion and upon being put to a vote, resulted in a vote of 4-1, (Chairperson Seijas voted "no"). This motion failed to carry inasmuch as a unanimous vote is required to forward an item to the Board of County Commissioners without recommendation.

It was moved by Commissioner Diaz that the proposed ordinance be deferred to the next Committee meeting. This motion was seconded by Chairperson Seijas, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Sosa was absent).

3D

042808 Resolution

Katy Sorenson

Withdrawn

RESOLUTION AUTHORIZING EXECUTION OF INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, THE CITY OF HOMESTEAD, AND THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT ("EFBD"), CREATING THE EFBD TO FINANCE CONSTRUCTION, OPERATION, AND MAINTENANCE OF CERTAIN PUBLIC SCHOOL FACILITIES; AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN [SEE FILE NO. 042644]

Report: *(See Agenda Item 3D Substitute, Legislative File Number 043154)*

Governmental Operations and Environment Committee

CLERK'S SUMMARY OF

Meeting Minutes

Tuesday, November 09, 2004

3D SUB

043154 Resolution

Katy Sorenson

RESOLUTION AUTHORIZING EXECUTION OF INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, THE CITY OF HOMESTEAD, AND THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT ("EFBD"), CREATING THE EFBD TO FINANCE CONSTRUCTION, OPERATION, AND MAINTENANCE OF CERTAIN PUBLIC SCHOOL FACILITIES; AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 042808] [SEE AGENDA ITEM NOS. 042644, 043141]

Deferred to the Governmental Operations and Environment Committee due back December 7, 2004

Mover: Diaz

Seconder: Seijas

Vote: 5-0

Absent: Sosa

Report: *(See notes under Agenda Item 3C Substitute, Legislative File No. 043141)*

3E

043092 Resolution

Dr. Barbara Carey-Shuler

RESOLUTION CREATING THE OFFICE OF INTERGOVERNMENTAL AFFAIRS, PROVIDING FOR MINIMUM QUALIFICATIONS, APPOINTMENT, REMOVAL, AND TERM OF OFFICE OF DIRECTOR; PROVIDING FOR FUNCTIONS, SCOPE OF AUTHORITY, AND POWERS OF OFFICE; AND PROVIDING EFFECTIVE DATE

Amended

Report: *(See Agenda Item 3E Amended, Legislative File Number 043191)*

3E Amended

043191 Resolution Dr. Barbara Carey-Shuler

RESOLUTION CREATING THE OFFICE OF INTERGOVERNMENTAL AFFAIRS, PROVIDING FOR MINIMUM QUALIFICATIONS, APPOINTMENT, REMOVAL, AND TERM OF OFFICE OF DIRECTOR; PROVIDING FOR FUNCTIONS, SCOPE OF AUTHORITY, AND POWERS OF OFFICE; AND PROVIDING EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 043092] [SEE AGENDA ITEM NO.]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Martinez

Seconder: Sosa

Vote: 6-0

Report: *Pursuant to the request of Chairperson Dr. Barbara Carey-Shuler, the foregoing proposed resolution was amended to delete the word "slate" in Section 3, paragraph 1, line 3 to the end of the sentence, and substitute the following language: "roster of all qualified candidates" and insert the additional sentence: "by ballot determination of the full Board, the top three candidates will be identified." The resolution was also amended to delete the word "intergovernmental" in Section 4, line 2, and replace it with the word "relevant."*

3F

042994 Resolution Dennis C. Moss

RESOLUTION DIRECTING COUNTY MANAGER TO PROVIDE LIVE WEBCASTS OF THE MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS AND ITS COMMITTEES

Withdrawn

Report: *(See Agenda Item 3F Substitute, Legislative File Number 043131)*

3F SUB

043131 Resolution

Dennis C. Moss

RESOLUTION DIRECTING COUNTY MANAGER TO PROVIDE LIVE WEBCASTS OF MIAMI-DADE T.V., INCLUDING THE MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS AND ITS COMMITTEES [SEE ORIGINAL VERSION UNDER FILE NO. 042994]

Deferred to the Governmental Operations and Environment Committee due back December 7, 2004

Mover: Sosa

Seconder: Diaz

Vote: 6-0

Report: *In response to Commissioner Sosa's inquiry, Mr. Ruben Lopez, Director, Enterprise Technology Services Department, stated a pilot project for live webcasts of commission and committee meetings was conducted, and the cost of completing this project would be \$285,000 one time, and \$70,000 in recurring costs for one full-time employee.*

Commissioner Sosa asked that Mr. Lopez provide the Committee with a comprehensive report that analyzed the financial impact and the procurement process for this proposal.

Commissioner Sosa stated staff needed to readvertise the project instead of extending the existing pilot project.

3G

043057 Resolution

Katy Sorenson

RESOLUTION ACCEPTING REPORT OF WORKING GROUP ON PUBLIC SCHOOLS OVERCROWDING RELIEF AND DIRECTING THE COUNTY MANAGER TO COORDINATE WITH THE SCHOOL BOARD AND OTHER INTERESTED PARTIES TO IMPLEMENT THE FINAL REPORT'S RECOMMENDATIONS

Withdrawn

Report: *(See Agenda Item 3G Substitute, Legislative File Number 043143)*

3G SUB

043143 Resolution

Katy Sorenson

RESOLUTION ACCEPTING REPORT OF WORKING GROUP ON PUBLIC SCHOOLS OVERCROWDING RELIEF AND DIRECTING THE COUNTY MANAGER TO COORDINATE WITH THE SCHOOL BOARD AND OTHER INTERESTED PARTIES TO IMPLEMENT THE FINAL REPORT'S RECOMMENDATIONS [SEE ORIGINAL ITEM UNDER FILE NO. 043057]

Deferred to no date certain

Mover: Sosa

Secunder: Souto

Vote: 6-0

Report: *Chairperson Seijas noted the foregoing proposed resolution supported Educational Facilities Benefit Districts (EFBDs), and she suggested the resolution be deferred.*

Commissioner Diaz referred to an ordinance he was sponsoring relating to construction of schools within airport flight path zones and he noted the County Commission needed to work with all parties involved.

Commissioner Martinez stated the proposed resolution requested the County Commission to implement the recommendations of the Working Group on Public Schools Overcrowding Relief. He noted while he concurred with some of the recommendations, he did not concur with the recommendations to add an additional tax to homeowners, to exempt the cost of building a parking garage from the overall cost per student station restriction when building a new facility, eliminating athletic spaces and physical education shelters, and implementing a turnkey process for building new schools.

3H

043058 Resolution**Katy Sorenson**

RESOLUTION DIRECTING THE COUNTY MANAGER
TO RECOMMEND MEASURES TO ENCOURAGE
DEVELOPMENT OF PUBLIC EDUCATIONAL
FACILITIES AT TRANSIT STATIONS AND ALONG
TRANSIT CORRIDORS

*Deferred to no date certain**Mover: Diaz**Second: Souto**Vote: 6-0*

Report: *Chairperson Seijas suggested the County
Manager be directed to explore the feasibility of
development of public educational facilities at
transit stations instead of recommending
measures.*

*Commissioner Sosa stated she requested a legal
opinion and did not have a Conflict of Interest on
the foregoing proposed resolution. She noted
development of public educational facilities was
not Miami-Dade County's responsibility.*

*Commissioner Diaz suggested the foregoing
proposed resolution be deferred.*

3I

042876 Resolution**Sally A. Heyman**

RESOLUTION DECLARING A RESCUE VEHICLE
SURPLUS AND AUTHORIZING ITS DONATION TO THE
HUMANE EMERGENCY ANIMAL RESCUE

*Forwarded to BCC with a
favorable recommendation**Mover: Diaz**Second: Sosa**Vote: 6-0*

Report: *Commissioner Martinez asked that Assistant
County Manager Pete Hernandez provide him
with a report indicating whether the Humane
Emergency Animal Rescue was a 501C (3)
organization and the areas served, before the
proposed resolution was presented to the County
Commission.*

4 COUNTY MANAGER

4A

042718 Resolution

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION, AS AUTHORIZED BY THE EXPEDITE ORDINANCE NO. 00-104, IN APPROVING ACTIVITIES LISTED ON THE ATTACHED SCHEDULES FOR CAPITAL IMPROVEMENT PROJECTS (County Manager)

Withdrawn

Report: *(See Agenda Item 4A Substitute, Legislative File Number 043069)*

4A SUB

043069 Resolution

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION, AS AUTHORIZED BY THE EXPEDITE ORDINANCE NO. 00-104, IN APPROVING ACTIVITIES LISTED ON THE ATTACHED SCHEDULES FOR CAPITAL IMPROVEMENT PROJECTS [SEE ORIGINAL ITEM UNDER FILE NO. 042718] (County Manager)

Forwarded to BCC with a favorable recommendation
Mover: Rolle
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Manager Pete Hernandez responded to questions from Commissioner Rolle and Chairperson Seijas regarding the Contract Award Ratification List attached to the foregoing proposed resolution.*

Commissioner Rolle expressed his concern that change orders processed under the expedite ordinance only required ratification by the Board of County Commissioners.

4B

043056 Resolution

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION, AS AUTHORIZED BY THE EXPEDITE ORDINANCE NO. 00-104, IN APPROVING ACTIVITIES LISTED ON THE ATTACHED SCHEDULES FOR CAPITAL IMPROVEMENT PROJECTS (County Manager)

Forwarded to BCC with a favorable recommendation
Mover: Rolle
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Manager Pete Hernandez and staff responded to questions from Commissioners Diaz, Martinez and Rolle regarding the Contract Award Ratification List attached to the foregoing proposed resolution.*

In response to questions from Commissioners Rolle and Martinez regarding the bid rejection for the FEMA drainage and roadway reconstruction project, Mr. Roger Hernstadt, Capital Improvements Construction Coordinator, explained that after receiving bids for this project it was determined to be more cost effective to perform the work under an existing open contract which was previously approved by the County Commission. He noted the bid rejection was listed only as an informational item.

Members of the committee expressed concern that the explanation for the bid rejection contained within this item was not complete.

5 COUNTY ATTORNEY**6 CLERK OF THE BOARD**

6A

043080 Report

APPROVAL OF COMMISSION COMMITTEE MINUTES FOR SEPTEMBER 14, 2004 (Clerk of the Board)

Report Received
Mover: Souto
Seconder: Rolle
Vote: 6-0

7 REPORTS

7A

043025 Resolution

REPORT - UPDATE ON COUNTYWIDE BRANDING
EFFORTS (County Manager)

Report Received
Mover: Martinez
Seconder: Sosa
Vote: 6-0

Report: *Commissioner Martinez stated that the subject line in the revised County Memorandum format made the memorandums more difficult to read.*

7B

043081 Report

ORAL REPORT RE: DISINFECTION PILOT STUDIES
(County Manager)

Report Received
Mover: Martinez
Seconder: Sosa
Vote: 6-0

8 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting was adjourned at 12:41 p.m.*